

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**RACEN L. WARD, #109960**

§  
§  
§  
§

**VS.**

**CIVIL ACTION NO. 4:25cv617**

**STATE OF TEXAS, ET AL.**

**MEMORANDUM OPINION AND ORDER**

Pro se plaintiff Racen L. Ward filed a handwritten civil-rights action under 42 U.S.C. § 1983. Dkt. 1. The action was assigned to me in accordance with the Standing Order Assigning Prisoner Civil Rights Cases Filed in the Sherman Division to a Magistrate Judge. Dkt. 2. Ward consented to have a magistrate judge conduct any and all proceedings in this case. Dkt. 4.

On June 11, 2025, the court ordered Ward, within 30 days, to file an amended complaint on the standardized prisoner civil-rights form and to complete and file an application to proceed in forma pauperis. Dkt. 3. Ward failed to comply with that order and has therefore failed to prosecute his case.

The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court; appellate review is only for abuse of that discretion. *Green v. Forney Eng'g Co.*, 589 F.2d 243, 247 (5th Cir. 1979); *Lopez v. Aransas Cnty. ISD*, 570 F.2d 541, 544 (5th Cir. 1978). Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also dismiss an action *sua sponte* when necessary to achieve the orderly and expeditious disposition of a case. *Anthony v. Marion Cnty. Gen. Hosp.*, 617 F.2d 1164, 1167 (5th Cir. 1980). A district court may dismiss an action for failure of a litigant to prosecute or to comply with a court order. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988); Fed. R. Civ. P. 41(b). In this case, Ward has failed to comply with the court's order. Therefore, the case will be dismissed for failure to prosecute. Fed. R. Civ. P. 41(b).

It is **ORDERED** that the case is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b).

So **ORDERED** and **SIGNED** this 21st day of July, 2025.

A handwritten signature in blue ink, appearing to read "Bill Davis".

---

Bill Davis  
United States Magistrate Judge